

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

Bill No. 05-14

Introduced by: Council Member Slutzky

Legislative Day No. 05-08 Date: March 8, 2005

AN ACT to repeal and reenact, with amendments, Subsection B (2)(a), Schools, of Section 267-104, Adequate public facilities, of Article XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of the Harford County Code, as amended; to provide that certain residential developments be exempt from the school adequacy standards; and generally relating to adequate public facilities.

By the Council, March 8, 2005

Introduced, read first time, ordered posted and public hearing scheduled

on: April 12, 2005

at: 7:15 p.m.

By order: Barbara J. Ruth, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language Lined through indicates matter stricken out of Bill By amendment.

1 Section 1. Be It Enacted By the County Council of Harford County, Maryland, that
2 Subsection B(2)(a), Schools, of Section 267-104, Adequate public facilities, of Article
3 XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of the
4 Harford County Code, as amended, be, and it is hereby, repealed and reenacted, with
5 amendments, all to read as follows:

6 Chapter 267. Zoning.

7 Part 6. Growth Management.

8 Article XXI. Public Facilities.

9 Section 267-104. Adequate public facilities.

10 B. Adequacy standards (minimum acceptable level of service).

11 (2) Residential development. Approval of residential subdivision plans and site plans
12 for multi-family development shall be subject to findings of adequate capacity based on
13 the standards set in this subsection, and the current and projected use level described in
14 the annual growth report:

15 (a) Schools.

16 (1) Preliminary approval. Preliminary subdivision plans exceeding five lots and site
17 plans for multi-family residential developments exceeding five dwelling units shall not be
18 approved at locations where either of the following conditions exists:

19 (a) The enrollment at the elementary school which serves the site is greater than
20 105% of the rated capacity, or is projected to be greater than 105% within 3 years; or

21 (b) The enrollment of either the middle school or high school which serves the site is
22 greater than 105% of the rated capacity or is projected to be greater than 105% within 3
23 years.

1 (2) Conditional review. If Paragraphs (2)(a)(1)(a) or (b) of this subsection prevent
2 approval of a preliminary subdivision plan or a site plan, the Department of Planning and
3 Zoning may proceed with conditional review of the plan and place it on a waiting list
4 arranged by date of completion of the review. Record plats, grading permits, and public
5 works agreements for utilities or roads shall not be executed by the county until the plan
6 for the project is removed from the waiting list and preliminary approval is granted.
7 Removal from the waiting list shall occur only when the condition that prevented
8 approval under Paragraphs (2)(a)(1)(a) or (b) of this subsection no longer exists.

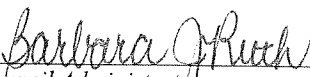
9 (3) Exemptions. The provisions of this subsection shall not apply to transient
10 housing, [housing for the elderly and] continuing care retirement communities AND
11 HOUSING INTENDED FOR, AND SOLELY OCCUPIED BY, PERSONS 62 YEARS
12 OF AGE OR OLDER.

13 (4) Grandfathering. The provisions of this section concerning the adequacy of schools
14 shall not apply to those developments which, as of the effective date of Bill No. 91-70
15 (4/6/92), have an approved preliminary plan.

16 Section 2. And Be It Further Enacted, That this Act shall take effect 60 calendar days
17 from the date it becomes law.

EFFECTIVE:

*The Council Administrator does hereby
certify that fifteen (15) copies of this Bill are
immediately available for distribution to the public
and the press.*



Council Administrator